

### Remarks

This is in response to the final Office Action mailed on March 12, 2004. Claims 1 and 14 have been amended, support for the amendments being found, for example, at page 10, lines 6-18 and at Figure 8 of the present application. No new matter has been added. Claims 1-18 remain pending. Reconsideration and allowance are respectfully requested in view of the following remarks.

#### **I. Double Patenting Rejections**

In sections 3 and 4 of the Office Action, claims 1, 3, 6-9, and 14-16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 8-11, and 12-14 of copending U.S. Patent Application Serial No. 09/944,712 in view of Whiting et al., U.S. Patent No. 5,778,395. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Because this is a "provisional" rejection that will not be finalized until either the present application or the '712 application issues as a patent (see MPEP 804(I)(B)), Applicants reserve comment on the rejection until such time.

#### **II. Claim Rejections - 35 U.S.C. § 103**

In section 5 of the Office Action, claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hazelhurst et al., U.S. Patent No. 5,974,412, in view of Whiting. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claim 1 recites, among other limitations, a file organizing/categorizing processor, coupled to a first processor, for organizing received data files into data slices, each data slice including an identification number and a descriptor selected from the group consisting of owner, creator, user, position, company, location, date, backup date, and data type.

Hazelhurst fails to disclose or suggest a data slice including an identification number and a descriptor selected from the group consisting of owner, creator, user, position, company, location, date, backup date, and data type. Specifically, Hazelhurst fails to suggest that the topic text description disclosed by Hazelhurst includes a descriptor selected from the group consisting of owner, creator, user, position, company, location, date, backup date, and data type, as recited by claim 1. See Hazelhurst, column 11, lines 52-56.

Whiting fails to remedy the above-noted deficiencies in Hazelhurst.

For at least these reasons, reconsideration and allowance of claim 1, as well as claims 2-13 that depend therefrom, are respectfully requested.

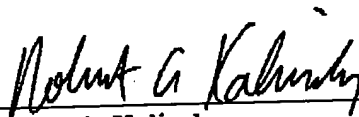
Claim 14 recites, among other limitations, data slices each including an identification number and a descriptor selected from the group consisting of owner, creator, user, position, company, location, date, backup date, and data type. Therefore, claim 14, as well as claims 15-18 that depend therefrom, should be allowable for at least reasons similar to those provided above with respect to claim 1.

### III. Conclusion

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. Please contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,  
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